

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



REGION II

OFFICE OF REGIONAL COUNSEL, 17th FLOOR

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

November 15, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald J. McConnell, Esq.
Environmental Counsel
The Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115-1075

Re: Diamond Alkali Superfund Site
Passaic River Study Area

Dear Mr. McConnell:

As I mentioned to you in our telephone conversation of Wednesday, November 8, enclosed are documents providing information about the Passaic River Study Area ("Study Area") of the Diamond Alkali Superfund Site and information which forms the basis for the U.S. Environmental Protection Agency ("EPA") to issue a notice letter to your company under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") for this Site.

Specifically, for information on the Study Area, I have included the most recent fact sheet issued by the EPA and a copy of the Administrative Order on Consent which describes the work that is currently being done there. In addition, I have enclosed information which I discussed with you during our telephone conversation. This includes several pages from the 1969 Report on the Quality of the Interstate Waters of the Lower Passaic River and Upper and Lower Bays of New York Harbor; pages from the Passaic Valley Sewerage Commissioners ("PVSC") Annual Report for 1974; a waste effluent survey filled out in 1972 by Sherwin-Williams for the PVSC; a 1980 study done for the PVSC entitled Heavy Metals Source Determination Study; a 1982 hazardous waste investigation performed by the New Jersey Department of Environmental Protection at the Sherwin-Williams facility; an affidavit by Seymour Lubetkin, chief engineer of the PVSC from

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1954 to 1978; and an affidavit by Theodore Danielak, a former employee of Sherwin-Williams from 1945 to 1984.

I hope that this information is helpful in making a determination that your company will participate in the Study Area investigation. If you would like to discuss this information or have further questions, please do not hesitate to contact me at the address above or call me at (212) 637-3141.

Yours truly,

/s/

Amelia M. Wagner
Assistant Regional Counsel

Enclosures

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U.S. Environmental Protection Agency
Region II

Office of Regional Counsel
New Jersey Superfund Branch
290 Broadway 17th Floor
New York, New York 10007-1866

Attn: Amelia Wagner



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Donald J. McConnell, Esq.
Environmental Counsel
The Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115-1075

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PS Form 3811, December 1994

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